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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/003,704

10/30/2001

Allan B. Lamkin

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05/30/2006

DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER

TRUONG, CAMQUY

ART UNIT

PAPER NUMBER

2195

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/003,704	Applicant(s) LAMKIN ET AL.	
	Examiner Camquy Truong	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-12, 14, 15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following claim language is indefinite:

i. As to claim 1 and 10, lines 3-4, it is not clearly understood what is the relationship between “serial numbers” and “generating job” and what is updated in a database in a server.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blount et al. (U.S. Patent 4,974,197) in view of Dorricott et al (U.S. Patent 6,272,606).

4. As to claims 1 and 10, Blount teaches the invention substantially as claimed including: a serialization management system comprising

a job control host for assigning serial numbers to storage media, and for generating a job (col. 8, lines 35-43 and lines 62-66);

a replication facility host communicatively coupled to the job control host (control task control blocks controls the writing of information such as data objects, which is transferred from host processor, col. 8, line 35-45; col. 9, lines 43-50) wherein the job control host communicates the job to the replication facility host (col. 8, lines 43-50; col. 9, lines 43-49); and

a serialization writer communicatively coupled to the replication facility host, wherein the replication facility host controls the serialization writer in response to the job, and communicates status information to the job control host (col. 7, lines 54-58; col. 8, lines 43-51; col. 9, lines 51-59) .

5. Blount does not explicitly teach that updating a database in a server. However, Dorricott teaches updating a database in a server (col. 2, lines 28-35).

6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Blount and Dorricott because Dorricott's updating a database in a server would increase the flexibility of Blount's system by providing step of updating a database to make the information up to day and available for using when need.

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7. As to claims 2 and 11, Blount teaches:

a serialization writer console coupled to the serialization writer, the serialization writer console prompting the replication facility host for a batch by communicating a batch request to the replication facility host, the batch being initiated at the replication facility host and the job being initiated at the job control host (col. 6, line 65 – col. 7, line 1; col. 8, lines 45-48);

wherein the replication facility host communicates to the serialization writer, in response to the batch request, batch data, the batch data being generated by the replication facility host as a function of the job (col. 8, lines 45-55).

8. As to claims 3 and 12, Blount teaches the serialization writer writes serialization onto media in response to the batch data (col. 8, lines 43-53; col. 9, lines 42-49).

9. As to claims 5-6 and 14-15, Blount teaches the serialization writer communicates a batch status to the replication facility host from time to time (col. 7, lines 49-58; col. 9, lines 55-60).

10. As to claims 8 and 17, Blount teaches the job control host generates a confirmation in response to the job complete status, and communicates a confirmation to the replication facility host in response thereto, the replication facility host deleting the job in response to the confirmation (col. 9, lines 55-64).

11. As to claims 9 and 18, Blount teaches the job control hosts exports the job in response to receipt of the job complete status (col. 7, lines 54-58).

Allowable Subject Matter

12. Claims 4, 7, 13 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

[Handwritten signature]
SUPERVISOR
EXAMINER
10/003,704